

## Article - State Government

[\[Previous\]](#)[\[Next\]](#)

§8–205.1.

(a) Except as provided in § 1–203(c) of the Health Occupations Article, the secretary of each principal department shall supervise each unit of State government within the secretary’s jurisdiction that is composed in whole or in part of individuals participating in the occupation or profession regulated by the unit in order to:

(1) prevent unreasonable anticompetitive actions by the unit; and

(2) determine whether the decisions and actions of the unit further a clearly articulated State policy to displace competition in the regulated market.

(b) If the secretary or the secretary’s designee finds that a proposed decision or action of the unit may result in an unreasonable anticompetitive decision or may not further a clearly articulated State policy to displace competition in the regulated marketplace, the secretary or the secretary’s designee shall:

(1) review the merits of the proposed decision or action;

(2) assess whether the proposed decision or action furthers a clearly articulated State policy to displace competition in the regulated market; and

(3) issue expeditiously a written decision approving, disapproving, or modifying the proposed decision or action or remanding the proposed decision or action back to the unit for further review before:

(i) a final decision is issued; or

(ii) the proposed action is implemented.

(c) The secretary or the secretary’s designee may not approve a decision or an action of a unit that does not further a clearly articulated State policy to displace competition in the regulated market.

(d) A decision or an action of a unit may not constitute a final decision or action of the unit until after the secretary or the secretary’s designee has conducted the review required under subsection (b) of this section.

(e) A final decision or action of a unit shall comply with the written decision of the secretary or the secretary's designee issued in accordance with subsection (b) of this section.

(f) Neither the secretary nor the secretary's designee may be an individual who is appointed by, under the oversight of, or a member of a board or commission whose decision or action is the subject of review under subsection (b) of this section.

(g) A regulation adopted to carry out this section shall be drafted in consultation with stakeholders and other interested parties.

[\[Previous\]](#)[\[Next\]](#)